

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

JOSEPH A. POTTS, JR.  
*Plaintiff,*

V.

SCHNEIDER NATIONAL CARRIERS, INC.  
AND WILLIAM TUINEI  
*Defendants.*

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Civil Action No. 5:17-CV-1149

**NOTICE OF REMOVAL**

TO THE HONORABLE COURT:

COME NOW Defendants Schneider National Carriers, Inc. and William Tuinei and file their Notice of Removal, and would respectfully show unto the Court as follows:

**PROCEDURAL HISTORY**

1. Plaintiffs filed suit in Cause No. 2017CI19167, in the 225th Judicial District Court of Bexar County, Texas on or about October 4, 2017. Defendant Schneider National Carriers, Inc. was served on October 13, 2017, and filed a timely answer on November 2, 2017. Defendant William Tuinei was not served, but filed an answer on November 9, 2017

2. Defendants have therefore filed this Notice of Removal within the time period required by 28 U.S.C. § 1446(b).

**NATURE OF THE SUIT**

3. Plaintiff alleges that on or about September 12, 2016, he sustained damages as a result of a motor vehicle collision that occurred in Bexar County, Texas.

4. According to Plaintiff's Original Petition, Plaintiff is a citizen of the State of Texas who resides in Guadalupe County, Texas. *See* Plaintiff's Original Petition, paragraph 2.

5. At the time of the filing of Plaintiff's Original Petition and at the time of the Defendants' Notice of Removal, Defendant William Tuinei was a citizen of the State of Utah, with a domicile at 2489 East Sego Lily Drive, Sandy, Salt Lake County, Utah, 84092. *See*, Exhibit A, Affidavit of William Tuinei.

6. At the time of the subject accident, at the time of the filing of Plaintiff's Original Petition, and presently Defendant Schneider National Carriers, Inc. is a corporation with its principal place of business in the State of Wisconsin.

7. Defendant Schneider National Carriers, Inc. is a company incorporated under the laws of the State of Nevada. *See* Plaintiff's Original Petition, paragraph 3.

#### **BASIS FOR REMOVAL**

8. Removal is proper because there is complete diversity of citizenship between Plaintiff and Defendants.

9. Plaintiff is an individual who resides in Guadalupe County, Texas. *See* Plaintiff's Original Petition, paragraph 2.

10. Defendant William Tuinei is an individual who at the time the lawsuit was filed and at the time of the Defendants' Notice of Removal was domiciled in Salt Lake County, Utah. At all relevant times, Defendant William Tuinei established his citizenship in the State of Utah where he currently lives, works, pays taxes and has a bank account. *See*, Exhibit A, Affidavit of William Tuinei.

11. Defendant Schneider National Carriers, Inc. is a corporation incorporated under the laws of the State of Nevada, whose principal place of business has at all relevant times been maintained in the State of Wisconsin and whose citizenship is in the State of Wisconsin.

12. As conveyed in Plaintiff's Original Petition, the amount in controversy exceeds

\$75,000.00, exclusive of interests, costs, and attorneys' fees. See Plaintiff's Original Petition, paragraph 7.

**VENUE AND JURISDICTION**

13. Venue for this removal is proper in this district under 28 U.S.C. § 1441(a) because this district and division embrace the place in which the removed action has been pending.

14. This Court has jurisdiction of this action by virtue of the provisions of 28 U.S.C. § 1332 in that this is a case of diversity of citizenship between the parties with the amount in controversy exceeding \$75,000.00, exclusive of interest and costs.

**DEFENDANTS' NOTICE OF REMOVAL  
IS PROCEDURALLY CORRECT**

15. Defendants have attached to this notice all process, pleadings and orders filed in the state court action as required by 28 U.S.C. §1446(a). (See **Exhibit B**, Index of Matters Being Filed)

**JURY DEMAND**

16. Plaintiff made a demand for a jury trial in State District Court. Defendants Schneider National Carriers, Inc. and William Tuinei also made demands for a jury trial in State District Court.

**NOTICE TO STATE COURT**

17. Defendants will promptly file a copy of this Notice of Removal with the Clerk of the State Court in which this action is pending.

Respectfully submitted,

**CASTAGNA SCOTT L.L.P.**  
1120 S. Capital of Texas Highway  
Building 2, Suite 270  
Austin, Texas 78746  
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**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served upon the following person(s), in the manner(s) indicated below:

**VIA FACSIMILE: 361/985-0601**

**And/or VIA E-SERVICE**

Richard W. Hunnicutt  
THOMAS J. HENRY, INJURY  
ATTORNEYS  
5711 University Heights Blvd. Suite 100  
San Antonio, Texas 78249

in accordance with the Federal Rules of Civil Procedure, on this 10th day of November, 2017.

/s/ Lynn S. Castagna  
Lynn S. Castagna